



1FW 1647

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: February 19, 2008

Signature:

(Erika J. Senska)

Docket No.: IMCLON 3.3-005
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Liu et al.

Application No.: 10/593,804

Group Art Unit: 1647

Filed: March 13, 2007

Examiner: E.G. Stoica

For: HUMAN ANTI-EPIDERMAL GROWTH
FACTOR RECEPTOR ANTIBODY

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication is in response to the Office Action mailed January 22, 2008, setting forth a Restriction Requirement in the captioned patent application. In the Office Action, the Examiner required restriction to one of the following inventions under 35 U.S.C. §§121 and 372:

- I. Claims 1-13, drawn to an isolated antibody to EGFR;
- II. Claims 14-20, drawn to an isolated polynucleotide coding for an antibody to EGFR;
- III. Claims 21-36, drawn to a method of inhibiting tumor growth; and
- IV. Claims 37-41, drawn to a method of treatment of a hyperproliferative disease.

In response, Applicants hereby elect Group I, directed to claims 1-13. This election is made without traverse. Applicants reserve the right to file a divisional application corresponding to non-elected claims 14-41.

In the event any fee is due in connection with the present response, the Examiner is authorized to charge Deposit Account No. 12-1095 therefore.

Dated: February 19, 2008

Respectfully submitted,

By 

Erika J. Senska, Esq.

Registration No.: 53,312

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicants

Under 37 C.F.R. § 1.34